

MONDAY, APRIL 26, 1999

Juvenile In re MEGAN C. et al. Persons Coming Under the Juvenile Court law.
No. DEPARTMENT OF SOCIAL SERVICES
C031625 v.

PAMELA M.

BY THE COURT:

No claim of error having been raised by appellant Pamela M., the appeal filed January 13, 1999, is dismissed as abandoned. (In re Sade C. (1996) 13 Cal. 4th 952, 994.)

Dated: April 26, 1999

SCOTLAND, P.J.

Civil MARY CANNON
No. v.
C031135 ETC. CARPET MILLS INC. et al.

BY THE COURT:

Pursuant to the written request of the appellant, the appeal filed November 13, 1998, is dismissed as to respondents ETC Carpet Mills Inc. et al., W. W. Henry Company et al. A M Floor & Window Covering and Roberts Consolidated Industries. This dismissal does not affect the remainder of the appeal. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)

Dated: April 26, 1999

SCOTLAND, P.J.

MONDAY, APRIL 26, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C026916 ELWOOD DUANE HAYES, JR.

The judgment is reversed and the cause remanded to the superior court. That court is directed to vacate the guilty plea if defendant makes an appropriate motion to withdraw his plea within 30 days after the remittitur is issued. In that event, the superior court should reinstate the original charge contained in the information if the prosecution so moves, and proceed to trial or make other appropriate dispositions. If no such motion to vacate the guilty plea is filed by defendant, the trial court is directed to reinstate the original judgment.

DAVIS, Acting P.J.

We concur: NICHOLSON, J.
 HULL, J.

Crim. THE PEOPLE (Certified for Publication)
 No. v.
 C028359 GUADALUPE TORRES

The orders of commitment is reversed and the matter is remanded for further proceedings in light of this opinion.

(CERTIFIED FOR PUBLICATION)

SIMS, Acting P.J.

We concur: NICHOLSON, J.
 CALLAHAN, J.

Civil ALEX GOMEZ
 No. v.
 C028337 DEPARTMENT OF PERSONNEL ADMINISTRATION
 DEPARTMENT OF GENERAL SERVICES
 BY THE COURT:

On the court's own motion, a rehearing is granted. [See Cal. Rules of Court, rule 27.] The opinion of this court filed on March 30, 1999, is vacated and the cause is resubmitted as of this date.

Appellant's request to publish the opinion is denied as moot.

Dated: April 26, 1999

DAVIS, Acting P.J.

MONDAY, APRIL 26, 1999 CONTINUED

Crim. THE PEOPLE
 No. v.
 C030311 TAMARA SUE METCALF
 Crim. THE PEOPLE
 No. v.
 C030355 BRIAN JOHN GRAY
 BY THE COURT:

On the court's own motion, the above cases are consolidated. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

Dated April 26, 1999

BLEASE, Acting P.J.

TUESDAY, APRIL 27, 1999

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028941 TENG LO

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.
 HULL, J.

Civil ROBERT A. BROWN et al. (Not for Publication)
 No. v.
 C028302 STATE COMPENSATION INSURANCE FUND

The order is affirmed. The Browns' request for sanctions on appeal is denied. SCIF shall pay costs on appeal.

CALLAHAN, J.

We concur: SIMS, Acting P.J.
 NICHOLSON, J.

TUESDAY, APRIL 27, 1999 CONTINUED

Crim. No. C030450	THE PEOPLE v. JAMES LEE MERRILL	(Not for Publication)
	The judgment is affirmed.	
		CALLAHAN, J.
	We concur:	BLEASE, Acting P.J. NICHOLSON, J.
Crim. No. C029801	THE PEOPLE v. TIMOTHY ALLEN WRIGHT	(Not for Publication)
	The judgment is affirmed.	
		NICHOLSON, J.
	We concur:	BLEASE, Acting P.J. CALLAHAN, J.
Crim. No. C029440	THE PEOPLE v. HARRY JAMES GUYNN	(Not for Publication)
	The judgment (order granting probation) is affirmed.	
		CALLAHAN, J.
	We concur:	DAVIS, Acting P.J. MORRISON, J.
Civil No. C028058	RICHARD N. MOSEMAN v. SUZANNE HURST et al.	(Not for Publication)
	The judgment is affirmed.	
		NICHOLSON, J.
	We concur:	SIMS, Acting P.J. CALLAHAN, J.
Crim. No. C027435	THE PEOPLE v. CHARLES ALLEN MALIA	(Not for Publication)
	The judgment is affirmed	
		BLEASE, Acting P.J.
	We concur:	RAYE, J. HULL, J.

TUESDAY, APRIL 27, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. v.
C031053 RAYMOND DUDLEY CLIFTON

The judgment is modified to strike the \$500 parole revocation restitution fine imposed pursuant to section 1202.45. The trial court is directed to prepare an amended abstract of judgment reflecting this modification, and to forward a certified copy of the amended abstract to the Department of Corrections.

As modified, the judgment is affirmed.

BLEASE, Acting P.J.

We concur: DAVIS, J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029388 GERRARDO GONZALEZ MENDOZA

The judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C030079 JOSEPH WILLIAM VATALI

The judgment is affirmed.

CALLAHAN, J.

We concur: BLEASE, Acting P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C030203 WAYNE NEIL LONGACRE

The judgment is affirmed.

SCOTLAND, P.J.

We concur: NICHOLSON, J.
HULL, J.

TUESDAY, APRIL 27, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. v.

C028214 JAMES LARRY EZEKIEL, JR.

The judgment is affirmed.

CALLAHAN, J.

We concur: DAVIS, Acting P.J.
 MORRISON, J.

Civil CONSTRUCTION INDUSTRY FORCE ACCOUNT COUNCIL et al.

No. v. (Certified for Publication)

C028540 AMADOR WATER AGENCY

The judgment is affirmed. (CERTIFIED FOR PUBLICATION)

NICHOLSON, Acting P.J.

We concur: CALLAHAN, J.
HULL, J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C030096 JAMES DONALD ROOT

The judgment is affirmed.

WEDNESDAY, APRIL 28, 1999

Crim. THE PEOPLE

No. v.

C028410 STEVEN WAINE BOWLES

THE COURT:

It is ordered that the opinion filed herein on April 2, 1999, be modified in the following respects:

...

There is no change in judgment.

Appellant's petition for rehearing is denied.

SIMS, Acting P.J.

MORRISON, J.

KOLKEY, J

WEDNESDAY, APRIL 28, 1999 CONTINUED

Civil PLACER RANCH PARTNERS et al.
No. v.

C031995 COUNTY OF PLACER ET AL
BY THE COURT:

Pursuant to the written stipulation of counsel, the appeal filed on March 1, 1999, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)

Dated: April 28, 1999

SCOTLAND, P.J.

Civil Marriage of DALE CINDY and EDWARD NOLAN
No. v.

C031263 EDWARD TERRY NOLAN
BY THE COURT:

Pursuant to the written request of the appellant, the appeal filed November 19, 1998, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)

Dated: April 28, 1999

SCOTLAND, P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.

C030103 TAMMY ALICIA HOLYCROSS
The judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.
 MORRISON, J.

WEDNESDAY, APRIL 28, 1999 CONTINUED

Juvenile
No.
C027706

In re CHRISTOPHER P., a person Coming Under the Juvenile Court Law.
THE PEOPLE (Not for Publication)
v.
CHRISTOPHER P.

The order sustaining the charges brought against the minor is affirmed. The minor's commitment to the Youth Authority is vacated and the matter is remanded to the juvenile court for a new dispositional hearing.

HULL, J.

I concur: SIMS, Acting P.J.

I would reverse the jurisdictional findings that the minor violated Penal code section 647.6 as unsupported by the evidence; I would also reverse the order committing the minor to the Youth Authority as an abuse of discretion. I agree that the jurisdictional finding the minor violated Penal Code section 243.4, subdivision (a) be affirmed.

PUGLIA, J.

Crim.
No
C026990

THE PEOPLE (Not for Publication)
.v.
CHARLES JOHN TRAUTWEIN

The judgment of conviction is affirmed. However, the sentence is vacated and the matter remanded to the trial court with directions to impose a new sentence consistent with the views expressed in this opinion and to prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections.

HULL, J.

We concur: SCOTLAND, P.J.
MORRISON, J.

Civil
No.
C028775

In re the Marriage of ALBERT and KIMBERLY JENKINS
ALBERT JENKINS (Not for Publication)
v.
KIMBERLY JENKINS

The judgment (order) is affirmed.

SIMS, Acting P.J.

We concur: RAYE, J.
CALLAHAN, J.

WEDNESDAY, APRIL 28, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028137 RALPH FRANK CRUZ
 The judgment is affirmed.
 SIMS, Acting P.J.
 We concur: RAYE, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030588 CLIFFORD MADDEN, JR.
 The judgment is affirmed.
 SIMS, Acting P.J.
 We concur: RAYE, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C031082 EFRAIN GONZALES LARA
 The judgment is modified to impose a \$1,000 restitution fine stayed pending successful completion of parole. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.
 SIMS, Acting P.J.
 We concur: CALLAHAN, J.
 KOLKEY, J.

Civil JAMES KYLE (Certified for Publication)
 No. v.
 C029072 SHELLY CARMON
 The December 17, 1997, order is reversed insofar as it strikes the complaint, but affirmed, insofar as it awards attorney's fees and costs to defendant. Defendant shall recover her costs on appeal.
 (CERTIFIED FOR PUBLICATION)
 SIMS, Acting P.J.
 We concur: DAVIS, J.
 RAYE, J.

WEDNESDAY, APRIL 28, 1999 CONTINUED

Civil Estate GERALDINE Y. RIPPENDALE, Deceased.
No. DOUGLAS KAPLAN, as Public Administrator, etc.
C027922 v.

JEFFREY RIPPENGAL

the judgment is reversed in part and the matter remanded for further proceedings consistent with the views expressed in this opinion. The parties shall bear their own costs on appeal.

HULL, J.

We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

Civil STEPHANIE STEELE (Not for Publication)
No. v.
C027612 EARL L. BAER

The section 128.7 of \$2,000 in sanction and \$750 in attorney fees is reversed. The order of attorney fees of \$300 pursuant to the denied motion to reconsider is reversed. Since the trial court directed that the sanctions against Attorney Baer be reported to the California State Bar, we direct the trial court to forward a copy of this opinion to the State Bar. The parties are to pay their own costs on appeal.

DAVIS, J.

We concur: BLEASE, Acting P.J.
 HULL, J.

THURSDAY, APRIL 29, 1999

Crim. THE PEOPLE
No. v.
C029025 MARTIN ANTHONY RESENDEZ
 BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: April 29, 1999

SCOTLAND, P.J.

THURSDAY, APRIL 29, 1999 CONTINUED

Civil OKSANA SHEREMETJEVA
No. v.
C029637 WEST AMERICAN INSURANCE (NON-SERVED)
BY THE COURT:
Appellant's petition for rehearing is denied.
Dated: April 29, 1999

SCOTLAND, P.J.

Civil THE PEOPLE
No. v.
C029589 AMERICAN BANKERS INSURANCE COMPANY
BY THE COURT:
Appellant's petition for rehearing is denied.
Dated: April 29, 1999
BLEASE, Acting P.J.

Civil WILLIAM S. BRADLEY
No. v.
C028727 GARY L. LACY, as District Attorney, etc.
BY THE COURT:
Appellant's request to publish the opinion filed on April 8, 1999, is
denied.
Dated: April 29, 1999
BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C026302 RICHARD L. RENTZ

The judgment is affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.
PUGLIA, J.

THURSDAY, APRIL 29, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028565 ROSE MARIE MOORE

The judgment is affirmed.

CALLAHAN, J.

We concur: RAYE, Acting P.J.
 MORRISON, J.

Civil PACIFIC PREFERRED PROPERTIES, INC. et al
 No. v. (Not for Publication)
 C028404 KEVIN H. MOSS et al

The orders denying an award of attorney's fees are reversed. The Mosses shall recover the costs of this appeal. The matter is remanded to the trial court for further proceedings consistent with this opinion.
 (CERTIFIED FOR PUBLICATION)

BLEASE, Acting P.J.

We concur: DAVIS, J.
 RAYE, J.

Civil COUNTY OF BUTTE (Not for Publication)
 No. v.
 C029405 JOSEPH MENDONCA

The judgment (order) is affirmed. Each party shall bear its own costs on appeal.

NICHOLSON, J.

We concur: SCOTLAND, P.J.
 RAYE, J.

Civil CHILDREN'S HOSPITAL OF OAKLAND
 No. v. (Not for Publication)
 C028307 CITY OF LODI

The motion by the City for judicial notice is granted. only as to item of its supplementary letter brief. The judgment is reversed with directions to enter a new order denying the motion for summary judgment. The Hospital shall recover costs of appeal.

DAVIS, J.

We concur: MORRISON, J.
 I concur in the result:
 BLEASE, Acting P.J.

THURSDAY, APRIL 29, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030366 MARY MARGARET STANFIELD

The judgment is affirmed.

KOLKEY, J.

We concur: SCOTLAND, P.J.
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030100 MICHAEL JAMES BRADY

The concurrent sentence for possessing a loaded firearm (county II) is ordered stayed pursuant to section 654. The superior court is directed to prepare a correct abstract of judgment and to forward a copy of the amended abstract to the Department of Corrections. The judgment is affirmed.

NICHOLSON, J.

We concur: MORRISON, J.
 KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029768 HAROLD JOSEPH ST. GERMAIN

The judgment is affirmed.

KOLKEY, J.

We concur: NICHOLSON, Acting P.J.
 HULL, J.

FRIDAY, APRIL 30, 1999

Crim. THE PEOPLE
 No. v.
 C029005 VERNON JACKSON
 BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: April 30, 1999

SIMS, Acting P.J.

FRIDAY, APRIL 30, 1999 CONTINUED

Civil JOSPEPH G. (Not for Publication)
 No. v.
 C030084 BARBARA M.

The appeal is dismissed. Defendant shall recover her costs on appeal.

KOLKEY, J.

We concur: SCOTLAND, P.J.
 NICHOLSON, J.

Civil SHARON K. BACON et al. (Not for Publication)
 No. v.
 C025272 CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD et
 al.
 HOME HEALTH CARE MANAGEMENT

The judgment is affirmed.

SCOTLAND, P.J.

We concur: BLEASE, J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028929 MICHAEL BASELY

The judgment is affirmed.

CALLAHAN, J.

We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028658 JAMES MICHAEL URSINO

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect a conviction of Penal Code section 647, subdivision (h) rather than subdivision (g).

HULL, J.

We concur: NICHOLSON, Acting P.J.
 KOLKEY, J.

FRIDAY, APRIL 30, 1999 CONTINUED

Juvenile In re the matter of BRITTANY W. and STEPHANIE W., Persons Coming
Under the Juvenile Law.
No. CHILDREN'S SERVICES DIVISION
C030549 v. (Not for Publication)
SALLY A.
The orders are affirmed.

SCOTLAND, P.J.

We concur: HULL, J.
KOLKEY, J.

FRIDAY, APRIL 30, 1999

Juvenile In re EDWARD B., a Person Coming Under the Juvenile Court Law.
No. DEPARTMENT OF HUMAN SERVICES
C032095 v.
MICHELLE B.
BY THE COURT:
No claim or error having been raised by appellant Michelle B., the
appeal filed March 10, 1999, is dismissed as abandoned. (In re Sade C.
(1996) 13 Cal. 4th 952, 994.)
Dated: April 30, 1999

SCOTLAND, P.J.

Juvenile In re KIMBERLY M., a Person Coming Under the Juvenile Court Law.
No. DEPARTMENT OF HEALTH AND HUMAN SERVICES et al.
C029807 v.
WILLENE T.
The appeal is dismissed.

SCOTLAND, P.J.

We concur: HULL, J.
KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028643 FRANCISCO PEREZ MEDINA
The judgment is affirmed.

MORRISON, J.

We concur: SIMS, Acting P.J.
KOLKEY, J.

FRIDAY, APRIL 30, 1999 CONTINUED

Crim. No. C030080	THE PEOPLE v. JERMAINE ANTONIO OWENS The judgment is affirmed.	(Not for Publication)
		MORRISON, J.
	We concur:	BLEASE, Acting P.J. RAYE, J.
Crim. No. C027161	THE PEOPLE v. RODERIC CLEVIS BRANCH The judgment is affirmed.	(Not for Publication)
		MORRISON, J.
	We concur:	SIMS, Acting .J. CALLAHAN, J.
Crim. No. C028029	THE PEOPLE v. BRIAN CHRISTOPHER SIMAS The judgment is affirmed.	(Not for Publication)
		SCOTLAND, P.J.
	We concur:	SIMS, J. DAVIS, J.
Civil No. C028578	KHOSSROW HAKIMPOUR v. JOSEPH P. MUNSO, as Chief Deputy Director etc., et al. The judgment is affirmed.	
		DAVIS, J.
	We concur:	SCOTLAND, P.J. SIMS, J.